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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/043,239

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Yuuichirou Ikeda

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DANG, HUNG Q

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/043,239	Applicant(s) IKEDA ET AL.	
	Examiner HUNG Q. DANG	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/2002, 12/16/2003, 12/26/2006, 1/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/27/2008 have been fully considered but they are not persuasive.

At pages 7-10, Applicant argues that “neither Marsh nor DeLuca teach, disclose, or suggest “retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information.” In response, the Examiner respectfully disagrees. At column 3, line 67 - column 4, line 6, DeLuca states, “if space is not available 52, the last character from the earliest stored, read message is deleted 54 and the character received is stored 53. This process is repeated until the entire message has been received, i.e. a character of the message is not received 51. This process takes the oldest message in the memory and selectively deletes the last characters in that message until the newly received message is stored.” According to this passage, DeLuca clearly discloses the new character information (message) is stored in a way that the oldest message is deleted giving space for the newly received message. And that is called “replaced” or “overwritten.” Although DeLuca describes the process down to the character-level, but in the end, the process still achieves the effect of the new character information is overwritten on the oldest character information.

At page 9, Applicant argues DeLuca teaches away from overwriting “the oldest retained character information of all of the retained character information.” In particular,

the Applicant points out a passage from DeLuca at column 1, lines 27-35, cited, "However, when the memory is already occupied by previously received messages and another message is received, typically the earliest received message is deleted and the newly received message is stored in its place. This deletion may be undesirable ..." as an evidence for Applicant's arguments. In response, the Examiner respectfully disagrees. By saying, "typically the earliest received message is deleted and the newly received message is stored in its place," clearly DeLuca means usually the overwriting of the oldest message will take place. However, there are times when "this deletion may be undesirable," when the user intends to keep that old message. In this case, DeLuca provides a means to set the message as protected and thus prevents the deletion from taking place. Even with that extra feature, DeLuca does disclose retaining the character information obtained in a way that is overwritten on the oldest retained character information.

At page 10, Applicant argues that Marsh also teaches away from the proposed modification by citing Marsh at column 1, lines 62-27. In response, the Examiner respectfully disagrees because the cited passage does not have anything to do with retaining character information in a way that it is overwritten over the oldest character information. Instead, Marsh is describing how conventional devices store recorded programs, not character information recited in the claims.

Moreover, to one of ordinary skill in the art, overwriting of old information is necessary because of limited storage capacity of storage devices. For that reason, although Marsh does not explicitly teach that feature, there must be a way to handle the

situation when the storage device storing the character information becomes full. Therefore, incorporation of such a scheme disclosed by DeLuca above is quite necessary.

At pages 10-12, Applicant argues that neither Marsh nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program contents during the viewing." In response, the Examiner respectfully disagrees. At column 5, line 61 – column 6, line 14, Marsh states, "bubbling agent 110 is configured to modify a viewer's profile information and identify candidate programs for recording by observing how the viewer responds to recorded programs ... bubbling agent 110 may recognize that the viewer has never replayed or archived a recorded program of the Late Show With David Letterman ... that bubbling agent 110 may recognize that a viewer appears to like watching Major League Baseball games...". According to this passage, the search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information retained at the time of: the viewer responding to the programs. The response as described is characterized at least as "watching or never replayed." If the program is watched, the viewer must be using an input device to issue a play command. The issuance of such a command corresponds to a notification of an operation of displaying. This cannot be done automatically because, otherwise, automation is using as a measurement of how the viewer responds

to the recorded programs. This interpretation does not make sense because an action that is not initiated by the viewer but instead by a machine should not be used as a measurement of how the viewer responds.

Arai also discloses "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program contents during the viewing." At column 13, line 60 – column 14, line 2, Arai clearly discloses a user using a remote controller to make a request to reserve a program. This action causes a read of related program information.

Lohan in [0123] states, "to provide the user with means for by using EPG display to identify and select the program segments with which the newly created metadata is associated." The means for selecting the program segments corresponds to the input device that is claimed. The selecting of the program segments corresponds to a notification of an operation of displaying. Furthermore, the selected program segments have associated metadata. These metadata is "used to display an electronic program guide (EPG) for the user which displays in some convenient format information concerning the content of available broadcast programming." This step is corresponding to "search for the program information of the program related to the received program" [segments] as claimed.

For that reason, either combination of Arai and DeLuca or that of Lohan and DeLuca also disclose the two features: (1) "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained

character information of all of the retained character information,” and (2) searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program contents during the viewing.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US Patent 6,931,657) and DeLuca et al. (US Patent 5,258,739).

Regarding claim 1, Marsh a reservation control apparatus, comprising: a search request unit requesting a program information retaining unit (column 6, lines 15-21) retaining program information containing a program broadcast date/time and a content information (column 4, lines 36-47), to search for the program information (column 5, lines 65-67; column 6, lines 1); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (column 6, lines 8-14); an information obtaining unit obtaining character information related to the received program from contents of the

received program while being received by a program receiving unit (column 5, lines 26-41; column 7, lines 40-61); an information retaining unit retaining the character information obtained by said information obtaining unit (column 5, lines 26-41; column 7, lines 40-61) wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing in the character information retained by said information retaining unit (column 5, lines 64-67; column 6, lines 15-21; also see “Response to Arguments” above), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 6, lines 8-14).

However, Marsh does not disclose an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al.

into the reservation control unit disclosed by Marsh for storage efficiency by deleting out-of-date data.

Regarding claim 2, Marsh also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices (column 7, lines 53-61).

Regarding claim 3, Marsh also discloses said information obtaining unit obtains the character information from a caption contained in the received program (column 7, lines 43-46).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

Claims 1-4, 9-12, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (US Patent 6,751,401), Marsh (US Patent 6,931,657), and DeLuca et al. (US Patent 5,258,739).

Regarding claim 1, Arai et al. disclose a reservation control apparatus, comprising: a search request unit (column 13, lines 60-62) requesting a program information retaining unit retaining program information containing a program broadcast

date/time and a content information, to search for the program information (column 13, lines 62-67; column 14, lines 1-2); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (column 14, lines 3-17); an information obtaining unit obtaining information related to the received program from contents of the received program while being received by a program receiving unit (column 13, lines 9-15, 52-59); an information retaining unit retaining the information obtained by said information obtaining unit (column 13, line 52 – column 14, line 2); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing in the character information retained by said information retaining unit (column 13, line 60 – column 14, line 2; also see “Response to Arguments” above), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 13, line 60 – column 14, line 18).

However, Arai et al. do not disclose the information to be character information and an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information

Marsh discloses the information to be character information (column 7, lines 53-61).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the character information disclosed by Marsh into the reservation control apparatus disclosed by Arai so that the program information can be derived from the closed caption and/or voice of the program. The incorporated feature would make the apparatus more robust and user-friendlier.

However, the proposed combination of Arai et al. and Marsh does not disclose the information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al. into the reservation control unit disclosed by Arai et al. and Marsh for an storage efficiency by deleting out-of-date data.

Regarding claim 2, Marsh also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text

data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices (column 7, lines 53-61).

Regarding claim 3, Marsh also discloses said information obtaining unit obtains the character information from a caption contained in the received program (column 7, lines 43-46).

Regarding claim 4, Arai et al. also disclose said information obtaining unit obtains the information in a data broadcast multiplexed with a program broadcast (column 2, lines 54-61).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 12 is rejected for the same reason as discussed in claim 4 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

Claim 20 is rejected for the same reason as discussed in claim 4 above.

Claims 1-3, 5, 9-11, 13, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pg-Pub 2002/0120925) and DeLuca et al. (US Patent 5,258,739).

Regarding claim 1, Logan discloses a reservation control apparatus, comprising: a search request unit ([0092]) requesting a program information retaining unit retaining

program information containing a program broadcast date/time and a content information ([0087]; [0091]; [0093]), to search for the program information ([0124]); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (see [0262], [0271], [0275]); an information obtaining unit ([0074], [0076]) obtaining character information related to the received program from contents of the received program while being received by a program receiving unit ([0049], [0050], [0051], [0063], [0064]; [0150]); an information retaining unit retaining the character information obtained by said information obtaining unit ([0049], [0050], [0051], [0063], [0064]; [0150]; [0151]); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing in the character information retained by said information retaining unit ([0123], [0124]; also see "Response to Arguments" above), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (see [0262], [0271], [0275]).

However, Logan does not disclose an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6; also see “Response to Arguments” above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al. into the reservation control unit disclosed by Logan for an storage efficiency by deleting out-of-date data.

Regarding claim 2, Logan also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices ([0151]; [0152]; [0153]).

Regarding claim 3, Logan also discloses said information obtaining unit obtains the character information from a caption contained in the received program ([0151]; [0152]; [0153]).

Regarding claim 5, Logan also discloses said information obtaining unit accesses a scenario data retaining unit (see [0087], [0088], and [0124]) retaining scenario data of the program, and obtains information from the scenario data (see [0093]-[0097], [0124]).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 13 is rejected for the same reason as discussed in claim 5 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

Claim 21 is rejected for the same reason as discussed in claim 5 above.

Claims 6-8, 14-16, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pg-Pub 2002/0120925) and DeLuca et al. (US Patent 5,258,739) as applied to claims 1-3, 5, 9-11, 13, 17-19, 21 above, and further in view of Arai et al. (US Patent 6,751,401).

Regarding claim 6, see the teachings of Logan and DeLuca et al. as discussed in claim 1 above. Further, Logan also discloses the program information including the scenario data being combined with the programming contents as transmitted to the users (see [0045]).

However, the proposed combination of Logan and DeLuca et al. does not disclose the scenario data to be transmitted in multiplexing with the program broadcast.

Arai teaches the program information being multiplexed with program contents (see column 2, lines 56-57, lines 63-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of multiplexing the program information with the program contents disclosed by Arai et al. into the concept of transmitting the program information as metadata, which contains the scenario data, in combination with

the program contents disclosed by Logan to share common transmission medium or channel.

Regarding claim 7, Logan also discloses the scenario data contain an elapse time since a start of the program and character information describing the program contents at this elapse time (see [0093]-[0097]).

Regarding claim 8, Logan also discloses the scenario data contain an elapse time since the scenario data transmission data/time ([0090]) and character information describing the program contents at this elapse time ([0093]-[0097]).

Claim 14 is rejected for the same reason as discussed in claim 6 above.

Claim 15 is rejected for the same reason as discussed in claim 7 above.

Claim 16 is rejected for the same reason as discussed in claim 8 above.

Claim 22 is rejected for the same reason as discussed in claim 6 above.

Claim 23 is rejected for the same reason as discussed in claim 7 above.

Claim 24 is rejected for the same reason as discussed in claim 8 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Hung Q Dang/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621